

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARDIK KEVIN MEKHTARIAN,
Plaintiff,
v.
C. ORTEGA, *et al.*,
Defendants.

Case No. 1:20-cv-00696-KES-CDB (PC)

**ORDER DIRECTING PARTIES TO
SHOW CAUSE IN WRITING WHY
SANCTIONS SHOULD NOT BE
IMPOSED FOR FAILURE TO OBEY
COURT ORDERS**

5-DAY DEADLINE

Plaintiff Mardik Kevin Mekhtarian is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. This action proceeds on Plaintiff's claims against Defendant Brosious and Does 1-10¹ for deliberate indifference in violation of the Eighth Amendment and against Defendant Ortega for state law claims of gross negligence and medical malpractice.² (Docs. 24, 42).

On February 5, 2024, this Court issued its Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (*See* Doc. 43). In the Court's order, the parties were ordered to

¹ On June 1, 2023, the Court granted Plaintiff 90 days within which to discover the true names of the Doe Defendants and to move to substitute them as named parties. (Doc. 25). Plaintiff has not moved to substitute the Doe Defendants. However, as discovery has not yet commenced, the undersigned will not recommend that the Doe Defendants be dismissed and will permit Plaintiff additional time to discovery their identity.

² On January 2, 2024, the undersigned issued Findings and Recommendations ("F&R") to dismiss Defendant Ortega from the action. (Doc. 42). The F&R have not yet been ruled upon by the assigned district judge and remain pending.

1 file “the attached notice, indicating their agreement to proceed to an early settlement conference
2 or their belief that settlement is not achievable at this time” within 45 days of the date of the
3 order. *Id.* at 2. The notice form was provided to the parties for their use. *Id.* at 4.

4 More than 45 days have passed, yet neither party has filed a notice as ordered. Failure to
5 obey court orders could result in the imposition of sanctions, including financial sanctions and/or a
6 recommendation that this action be dismissed for failure to obey court orders and failure to
7 prosecute. *See* E.D. Cal. Local Rule 110 (“[f]ailure of ... a party to comply with these Rules or
8 with any order of the Court may be grounds for imposition by the Court of any and all sanctions
9 authorized by statute or Rule or within the inherent power of the Court”); *see also* Doc. 4 at 1
10 (First Informational Order In Prisoner/Civil Detainee Civil Rights Case).

11 **CONCLUSION AND ORDER**

12 Accordingly, **IT IS HEREBY ORDERED** that:

- 13 1. **Within five (5) days** from the date of service of this Order, the parties **SHALL** show
14 cause in writing why sanctions should not be imposed for their failure to file a Notice
15 Regarding Early Settlement Conference as ordered on February 5, 2024; and
16 2. **Alternatively, within five (5) days** of the date of service of this order, either party may
17 comply with this Order by filing a completed Notice Regarding Early Settlement
18 Conference form with the Court.

19 IT IS SO ORDERED.

20 Dated: **April 1, 2024**

21 
22 UNITED STATES MAGISTRATE JUDGE